

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DEMETRI ALEXANDER,

Plaintiff,

v.

NDOC et al.,

Defendants.

2:15-cv-02244-APG-PAL

ORDER

I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections, has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has filed an application to proceed *in forma pauperis*. (ECF No. 1, 1-1).

Plaintiff's application to proceed *in forma pauperis* is incomplete. Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff has not submitted a financial certificate or an inmate account statement. (See ECF No. 1). As such, the *in forma pauperis* application is denied without prejudice. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but will not file it until the matter of the payment of the filing fee is resolved.

Plaintiff is an experienced litigator in this Court and knows how to correctly file an application to proceed *in forma pauperis* with this Court. Plaintiff will be granted one final opportunity to cure the deficiencies of his application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file a new application to proceed *in forma pauperis* he must file a fully complete application to proceed *in forma pauperis*. If Plaintiff files another incomplete application to proceed *in forma pauperis*, the

1 Court will dismiss the case in its entirety, without prejudice, to file a new case when Plaintiff
2 is able to acquire the necessary documents to file a complete application to proceed *in forma*
3 *pauperis*.

4 **II. CONCLUSION**

5 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed *in*
6 *forma pauperis* (ECF No. 1) is DENIED without prejudice to file a new application.

7 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the
8 approved form application to proceed *in forma pauperis* by a prisoner, as well as the document
9 entitled information and instructions for filing an *in forma pauperis* application.

10 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
11 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the
12 correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or
13 (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50
14 administrative fee).

15 IT IS FURTHER ORDERED that, if Plaintiff's next application to proceed *in forma*
16 *pauperis* is incomplete, the Court will dismiss the case, without prejudice, for Plaintiff to file a
17 new case when he is able to acquire the necessary documents to file a complete application
18 to proceed *in forma pauperis*.

19 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
20 dismissal of this action may result.

21 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF
22 No. 1-1), but shall not file it at this time.

23
24 DATED: This 8th day of January, 2016.

25
26 
27 United States Magistrate Judge
28